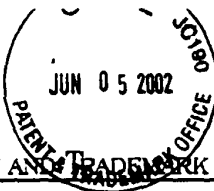




UNITED STATES PATENT AND TRADEMARK OFFICE



COPY OF PAID
ORIGINAL

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/046,491	11/29/2001	1633	618	18810-82002	9	18	3

CONFIRMATION NO. 6806

FILING RECEIPT



0000000007898368

SIDLEY AUSTIN BROWN & WOOD
555 West Fifth Street
Los Angeles, CA 90013-1010

Date Mailed: 04/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steven L. Wechsler, Westlake Village, CA;
Anthony B. Nesburn, Malibu, CA;
Guey-Chuen Perng, Alhambra, CA;
John S. Yu, Los Angeles, CA;
Keith L. Black, Los Angeles, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/299,817 04/26/1999

Foreign Applications

If Required, Foreign Filing License Granted 04/17/2002

Projected Publication Date: 07/25/2002

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Herpes simplex virus type 1 (HSV-1)-derived vector for selectively inhibiting malignant cells and methods for its use to treat cancer and to express desired traits in malignant and non-malignant

mammalian cells

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



COPY OF PAPERS
ORIGINALLY FILED



POST OFFICE TO ADDRESSEE



EL 773915967 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 91715	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 10-29-01	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$
Mo. Day Year 2001	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Time In AM PM	Int'l Alpha Country Code	COD Fee Insurance Fee
Weight lbs. 3 ozs.	Acceptance Clerk Initials 180	Total Postage & Fees \$ 16.25
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE

<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No. 2990349

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE ()

SIMLEY, G. AUSTIN
3501 S. STIMPST ST #100
LOS ANGELES, CA 90008-0001
Attn: 18810-82002 mbm/khd

TO: (PLEASE PRINT)

PHONE ()

BOX PATENT APPLICATION
ASST COMMISSIONER FOR PATENTS
WASHINGTON, DC 20531-0001

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



Customer Copy
Label 11-F August 2000



COPY OF PAPERS
ORIGINAL FILED

PROVISIONAL APPLICATION

of

STEVEN L. WECHSLER
ANTHONY B. NESBURN
GUEY-CHUEN PERNG
JOHN S. YU
and
KEITH L. BLACK

for

UNITED STATES LETTERS PATENT

on

A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR
SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED
TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS

Docket No.: 18810-82002

Sheets of Drawings: 9


Attorneys
SIDLEY AUSTIN BROWN & WOOD
555 West Fifth Street, Suite 4000
Los Angeles, California 90013
Telephone: 213-896-6665
Facsimile: 213-896-6600

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER EL 773 915 967 US
DATE OF DEPOSIT OCTOBER 29, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1-10 ON THE DATE INDICATED ABOVE
AND IS ADDRESSED TO BOX PATENT APPLICATION, THE ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, D. C. 20231.

OCTOBER 29, 2001
DATE OF DEPOSIT


SIGNATURE OF SHIRLEY DOW

EL 773 915 967 US
EXPRESS MAIL LABEL NO.

PATENT



COPY OF PAPERS
ORIGINALLY FILED

18810-82002

Receipt
#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steven L. Wechsler, Anthony B. Nesburn, Guey-Chuen Perng, John S. Yu and Keith L. Black
Serial No. 10/046,491
Filed: October 29, 2001
For: A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Washington, D. C. 20231
Attn: Office of Initial Patent Examinations
Customer Service Center

<small>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D. C. 20231, Attn: Office of Initial Patent Examinations Customer Service Center</small>	
ON May 24, 2002 BY	<i>Shirley Dow</i>
	SHIRLEY DOW
	MAY 24, 2002
	DATE OF SIGNATURE

Dear Sir or Madam:

Applicant respectfully requests that the following corrections be made to the Filing Receipt dated April 18, 2002 issued in connection with the above-referenced application, as reflected in the marked-up version of the Filing Receipt attached hereto as Exhibit A.

First, Applicant requests correction of the **filing date** for the application to reflect **October 29, 2001**, rather than November 29, 2001 which appears in the Filing Receipt. In support of this correction, Applicant submits the following:

1. Enclosed as Exhibit B is a copy of the "Express Mail Label" EL 773 915 967 US for the above-referenced application, indicating that it was "express"-mailed on October 29, 2001; and
2. Enclosed as Exhibit C is a copy of the title page of the above-referenced application, showing a "Certificate of Mailing by 'Express Mail'", indicating the correct "Express Mail Label" of EL 773 915 967 US and "Date of Deposit" as October 29, 2001.

Second, Applicant also requests correction of the **total claims** set forth in the Filing Receipt to accurately reflect the total number of claims of 32 rather than "18" set forth in the Filing Receipt. In support of this correction, Applicant submits the following:

1. Enclosed as Exhibit D is a copy of the Preliminary Amendment filed concurrently with the instant application. At Pages 2-4 of the Preliminary Amendment, Applicant requests cancellation of the Claims 1-184 set forth in the parent application from which this application claims priority, and sets forth new Claims 185 through 202 (totaling 18 claims), with Claims 200 and 202 having multiple dependencies (bringing the total number of claims to 32).
2. The Filing Receipt (Exhibit A) indicates that the filing fee received for this application is \$618.00, which is consistent with 32 total claims as follows [12 claims above the 20 claims included in the basic fee x \$9.00 = \$108.00] + [basic fee of \$370.00 for small entity] + \$140.00 for the multiple dependencies] = \$618.00.

Third, Applicant further requests that the **title of the invention** set forth in the Filing Receipt be corrected to reflect the new title. The following documents are submitted in support of this correction:

1. Exhibit C, the title page for the above-referenced application, which reflects the correct title;
2. Exhibit D, the Preliminary Amendment, wherein pages 1-2 set forth the amended title as follows: "--A HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED VECTOR FOR SELECTIVELY INHIBITING MALIGNANT CELLS AND FOR EXPRESSING DESIRED TRAITS IN MALIGNANT AND NON-MALIGNANT MAMMALIAN CELLS--".

The Commissioner is hereby respectfully requested to credit overpayments or charge any fees required under 37 C.F.R. 1.16 or C.F.R. 1.17 to Deposit Account No. 50-1597.

Respectfully submitted,

By: 

Nisan A. Steinberg, Ph.D.
Registration No. 40,345

SIDLEY AUSTIN BROWN & WOOD LLP
555 West Fifth Street
Los Angeles, California 90013-1010
Tel: 213/896-6665
Fax: 213/896-6600



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 6806

SERIAL NUMBER 10/046,491	FILING DATE 11/29/2001 RULE	CLASS 424	GROUP ART UNIT 1633	ATTORNEY DOCKET NO. 18810-82002	
APPLICANTS Steven L. Wechsler, Westlake Village, CA; Anthony B. Nesburn, Malibu, CA; Guey-Chuen Perng, Alhambra, CA; John S. Yu, Los Angeles, CA; Keith L. Black, Los Angeles, CA;					
** CONTINUING DATA ***** THIS APPLICATION IS A DIV OF 09/299,817 04/26/1999					
** FOREIGN APPLICATIONS *****					
IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY ** ** 04/17/2002					
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged		STATE OR COUNTRY CA	SHEETS DRAWING 9	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 3
ADDRESS Edward G. Poplawski, Esq. PRETTY, SCHROEDER & POPLAWSKI 19th Floor 444 South Flower Street Los Angeles, CA 90071					
TITLE Herpes simplex virus type 1 (HSV-1)-derived vector for selectively inhibiting malignant cells and methods for its use to treat cancer and to express desired traits in malignant and non-malignant mammalian cells					
FILING FEE RECEIVED 618	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		